

## Message Text

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ACTION L-03

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00 DODE-00 PM-04

H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

EB-07 COME-00 OIC-02 AID-05 CIEP-01 TRSE-00 STR-04

OMB-01 CEA-01 /113 W

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O 211924Z NOV 75

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 4257

C O N F I D E N T I A L USUN 6178

E.O. 11652: GDS

TAGS: UN, PFOR

SUBJECT: UNGA LEGAL COMITE: REPORT OF UNCITRAL

1. YUGOSLAVS HAVE DECLINED FURTHER MODIFY THEIR PROPOSED LANGUAGE TO MEET OUR CONCERNS ON NIEO, ET AL, WHICH THEY WISH INCLUDE IN RESOLUTION ON UNCITRAL DRAFT RESOLUTION (A/C.6/L.1021) WITH OFFENSIVE REFERENCES (IN OPERATIVE PARA 8) WAS CIRCULATED FRIDAY, 21 NOVEMBER. TEXT REPEATED BELOW.

2. EC-9 INTENDS ABSTAIN ON OBJECTIONABLE PARA AND VOTE FOR RESOLUTION AS A WHOLE. WE PRESSED UK, FRANCE, FRG, BELGIUM TO VOTE AGAINST PARA AND ABSTAIN ON RESOLUTION. THEY SAID THEY WANTED MAINTAIN EC-9 UNITY AND THERE WAS NOT EVEN A MAJORITY OF THE 9 IN FAVOR SUCH A POSITION. JEANNEL (FRANCE) SAID MUCH AS HE PERSONALLY WAS INCLINED TO GO THIS FAR HE COULD NOT GET PARIS TO AGREE. IN CASE SEPARATE VOTE ON PARA IS REQUESTED AND RECEIVED, USDEL REQUESTS AUTHORITY TO ABSTAIN ON PARA AND VOTE FOR RESOLUTION. WE BELIEVE REAMINING UNITED WITH EC-9 IS MORE EFFECTIVE THAN UNDERLINING DIFFERENCE BETWEEN THEM AND US BY NOT VOTING IN SAME MANNER AS THEY WILL. IN ABSENCE PARA BY PARA VOTE,  
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USDEL REQUESTS AUTHORITY ABSTAIN ON RESOLUTION AS A WHOLE.

3. TEXT FOLLOWS:

QUOTE REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL  
TRADE LAW ON THE WORK OF ITS EIGHTH SESSION

ALGERIA, ARGENTINA, CZECHOSLOVAKIA, DAHOMEY, DEMOCRATIC YEMEN,  
EGYPT, GREECE, GUYANA, HUNGARY, INDIA, IRAN, JORDAN, MALI,  
MEXICO, PHILIPPINES, ROMANIA, SENEGAL, SYRIAN ARAB REPUBLIC,  
YUGOSLAVIA AND ZAIRE: DRAFT RESOLUTION

THE GENERAL ASSEMBLY,  
HAVING CONSIDERED THE REPORT OF THE UNITED NATIONS COMMISSION  
ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS EIGHTH SESSION,/1/  
RECALLING ITS RESOLUTION 2205 (XXI) OF 17 DECEMBER 1966,  
BY WHICH IT ESTABLISHED THE UNITED NATIONS COMMISSION ON  
INTERNATIONAL TRADE LAW AND DEFINED THE OBJECT AND TERMS OF  
REFERENCE OF THE COMMISSION, AND ITS PREVIOUS RESOLUTIONS  
CONCERNING THE REPORTS OF THE COMMISSION ON THE WORK OF ITS  
ANNUAL SESSIONS,

RECALLING ALSO THE GENERAL ASSEMBLY RESOLUTIONS 3201 (S-VI)  
AND 3202 (S-VI) OF 1 MAY 1974, 3281 (XXIX) OF 12 DECEMBER  
1974 AND 3362 (S-VII) OF 16 SEPTEMBER 1975,

REAFFIRMING ITS CONVICTION THAT THE PROGRESSIVE HARMONIZATION  
AND UNIFICATION OF INTERNATIONAL TRADE LAW, IN REDUCING OR  
REMOVING LEGAL OBSTACLES TO THE FLOW OF INTERNATIONAL TRADE,  
ESPECIALLY THOSE AFFECTING THE DEVELOPING COUNTRIES, WOULD  
SIGNIFICANTLY CONTRIBUTE TO UNIVERSAL ECONOMIC CO-OPERATION  
AMONG ALL STATES ON A BASIS OF EQUALITY AND TO THE ELIMINATION  
OF DISCRIMINATION IN INTERNATIONAL TRADE AND, THEREBY,  
TO THE WELL-BEING OF ALL PEOPLES,

HAVING REGARD FOR THE NEED TO TAKE INTO ACCOUNT THE DIFFERENT  
LEGAL SYSTEMS IN HARMONIZING THE RULES OF INTERNATIONAL TRADE LAW,

BEARING IN MIND THAT THE TRADE AND DEVELOPMENT BOARD OF  
THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT,  
AT ITS FIFTEENTH SESSION, TOOK NOTE WITH APPRECIATION OF  
THE REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL  
TRADE LAW,/2/

1. TAKES NOTE WITH APPRECIATION OF THE REPORT OF THE UNITED  
NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF  
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ITS EIGHTH SESSION;

2. COMMENDS THE UNITED NATIONS COMMISSION ON INTERNATIONAL  
TRADE LAW FOR THE PROGRESS MADE IN ITS WORK AND FOR ITS EFFORTS  
TO ENHANCE THE EFFICIENCY OF ITS WORKING METHODS;

3. NOTES WITH SATISFACTION THAT A DRAFT CONVENTION ON THE  
CARRIAGE OF GOODS BY SEA HAS BEEN PREPARED BY A WORKING GROUP  
OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW  
AND THAT THIS DRAFT CONVENTION HAS BEEN TRANSMITTED TO GOVERN-

MENTS AND INTERESTED INTERNATIONAL ORGANIZATIONS FOR THEIR COMMENTS;

4. FURTHER NOTES WITH SATISFACTION THAT WORK ON UNIFORM RULES GOVERNING THE INTERNATIONAL SALE OF GOODS IS NEARING COMPLETION AND THAT IN THE NEAR FUTURE A DRAFT CONVENTION ON THE INTERNATIONAL SALE OF GOODS WILL BE TRANSMITTED TO GOVERNMENTS AND INTERESTED INTERNATIONAL ORGANIZATIONS FOR THEIR COMMENTS;

5. APPROVES THE DECISION OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW TO MAINTAIN ON ITS AGENDA THE ITEM CONCERNING MULTINATIONAL ENTERPRISES AND TO KEEP THAT SUBJECT UNDER REVIEW PENDING THE IDENTIFICATION BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS OF SPECIFIC LEGAL ISSUES THAT WOULD BE SUSCEPTIBLE OF ACTION BY THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW;

6. EXPRESSES ITS APPRECIATION TO THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW FOR THE INTERNATIONAL SYMPOSIUM ON THE TEACHING OF INTERNATIONAL TRADE LAW THAT WAS HELD IN CONNEXION WITH ITS EIGHTH SESSION;

7. RECOMMENDS THAT THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW SHOULD:

(A) CONTINUE IN ITS WORK TO PAY SPECIAL ATTENTION TO THE TOPICS TO WHICH IT HAD DECIDED TO GIVE PRIORITY, NAMELY, THE INTERNATIONAL SALE OF GOODS, INTERNATIONAL PAYMENTS, INTERNATIONAL COMMERCIAL ARBITRATION AND INTERNATIONAL LEGISLATION ON SHIPPING;

(B) CONTINUE TO CONSIDER THE ADVISABILITY OF PREPARING UNIFORM RULES GOVERNING THE LIABILITY FOR DAMAGE CAUSED BY PRODUCTS INTENDED FOR OR INVOLVED IN INTERNATIONAL TRADE, IN ACCORDANCE WITH THE DECISIONS THEREON ADOPTED BY THE COMMISSION AT ITS EIGHTH SESSION;

(C) CONTINUE ITS WORK ON TRAINING AND ASSISTANCE IN THE FIELD OF INTERNATIONAL TRADE LAW, TAKING INTO ACCOUNT THE SPECIAL

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INTERESTS OF THE DEVELOPING COUNTRIES;

(D) MAINTAIN CLOSE COLLABORATION WITH THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT AND CONTINUE TO COLLABORATE WITH INTERNATIONAL ORGANIZATIONS ACTIVE IN THE FIELD OF INTERNATIONAL TRADE LAW;

(E) MAINTAIN LIAISON WITH THE COMMISSION ON TRANSNATIONAL CORPORATIONS WITH REGARD TO THE CONSIDERATION OF LEGAL PROBLEMS THAT WOULD BE SUSCEPTIBLE OF ACTION BY IT;

(F) CONTINUE TO GIVE SPECIAL CONSIDERATION TO THE INTERESTS OF DEVELOPING COUNTRIES AND TO BEAR IN MIND THE SPECIAL PROBLEMS OF LAND-LOCKED COUNTRIES;

(G) KEEP ITS PROGRAMME OF WORK AND WORKING METHODS UNDER REVIEW WITH THE AIM OF FURTHER INCREASING THE EFFECTIVENESS OF ITS WORK;

8. CALLS UPON THE UNITED NATIONS COMMISSION ON INTERNATIONAL

TRADE LAW TO TAKE ACCOUNT OF THE RELEVANT PROVISIONS OF THE RESOLUTIONS OF THE SIXTH AND SEVENTH SPECIAL SESSIONS OF THE GENERAL ASSEMBLY THAT LAY DOWN THE FOUNDATIONS OF THE NEW INTERNATIONAL ECONOMIC ORDER, BEARING IN MIND THE NEED FOR UNITED NATIONS ORGANS TO PARTICIPATE IN THE IMPLEMENTATION OF THE ABOVE-MENTIONED RESOLUTIONS;

9. REQUESTS THE SECRETARY-GENERAL TO FORWARD TO THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW THE RECORDS OF THE DISCUSSIONS AT THE THIRTIETH SESSION OF THE GENERAL ASSEMBLY ON THE COMMISSION'S REPORT ON THE WORK OF ITS EIGHTH SESSION.

/1/ OFFICIAL RECORDS OF THE GENERAL ASSEMBLY, THIRTIETH SESSION, SUPPLEMENT NO. 17 (A/10017).

/2/ IBID., THIRTIETH SESSION, SUPPLEMENT NO. 15 (A/10015/

REV.1). UNQUOTE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INTERNATIONAL LAW, LOBBYING, UNGA RESOLUTIONS, INTERGOVERNMENTAL COOPERATION, MEETING VOTING RECORDS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 NOV 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975USUNN06178  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750406-0717  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19751122/aaaaatrp.tel  
**Line Count:** 185  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 29 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <29 MAY 2003 by ShawDG>; APPROVED <12 NOV 2003 by ShawDG>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** UNGA LEGAL COMITE: REPORT OF UNCITRAL  
**TAGS:** PFOR, YO, US, UN, EEC  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006